

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 1-45 have been rejected. Claims 1, 6, 12-17, 22, 25, 33, and 41 have been amended. No new matter has been added. Accordingly, Claims 1-45 will be pending in the present application upon entry of this Amendment and Reply.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claim Rejections – 35 U.S.C. § 101

On page 2 of the Office Action, Claims 22-45 were rejected under 35 U.S.C. § 101.

The Examiner stated:

Claims 22-45 have no connection to the technological arts. None of the steps indicate any connection to a computer or technology. For instance claim 22, the steps of viewing basic product information...”; “providing customer specification...”; “viewing a price quotation...”; and “accepting the price quotation...” could all be performed manually by a person. Therefore, the claim is directed towards non-statutory subject matter. The other claims above are similarly rejected. To overcome this rejection the Examiner recommends the Applicant amend the claims to better clarify which of the steps are being performed within the technological arts, such as viewing on a computer interface basic product information for a plurality of capital products at a business-to-business exchange computer system”.

While the Applicants disagree with the Examiner’s contention (e.g., “displaying . . . at a business-to-business exchange web page” as recited in Claim 33 certainly indicates a connection to the technological arts, since one of ordinary skill in the art would understand the manner in which web pages are conventionally displayed), Claims 22, 22, and 33 have nevertheless been amended to advance prosecution of the present application. Reconsideration and withdrawal of the rejection of Claims 22-45 is therefore respectfully requested.

Claim Rejections – 35 U.S.C. § 102

On page 3 of the Office Action, Claims 1-45 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,141,653 to Conklin et al. The Applicants respectfully traverse this rejection. At least one element of each of the independent claims (and, accordingly, at least one element of each of the corresponding dependent claims) is not identically disclosed by Conklin et al.

For example, Claim 1 (as amended) is in independent form and recites a “system for purchasing customized capital equipment in an online marketplace environment” comprising, in combination with other elements, a “module for customizing a configuration of a capital equipment product based on requirements received from a customer” (emphasis added). Claims 2-11 depend from independent Claim 1.

Claim 12 (as amended) is in independent form and recites a “system for allowing purchases of customized capital equipment in a marketplace environment” comprising, in combination with other elements, a “means for configuring a standard product to include features based on needs of a particular customer and generating a price quotation therefor” (emphasis added). Claims 13-21 depend from independent Claim 12.

Claim 22 (as amended) is in independent form and recites a “method for purchasing customized capital equipment products in an electronic marketplace” comprising, in combination with other elements, “providing customer specifications for a customized capital equipment product to a product provider using the electronic device; viewing a price quotation for the customized capital equipment product using the electronic device” (emphasis added). Claims 23-32 depend from independent Claim 22.

Claim 33 (as amended) is in independent form and recites a “method for enabling purchases of customized capital equipment in a marketplace environment” comprising, in combination with other elements, “providing at the exchange web page a link to a price quotation for a capital equipment product that has been customized based on needs of a purchaser” (emphasis added). Claims 34-40 depend from independent Claim 33.

Claim 41 (as amended) is in independent form and recites a “method for enabling purchases of customized capital equipment in a marketplace environment” comprising, in combination with other elements, “providing at the exchange a link to a customized price quotation for a capital equipment product that has been configured in accordance to requirements received from a purchaser” (emphasis added). Claims 42-45 depend from independent Claim 41.

Conklin et al. is directed to a “system for iterative, multivariate negotiations over a network” including a “multivariate negotiations engine for iterative bargaining which . . . allows a buyer/participant to search and evaluate seller information, propose and negotiate orders and counteroffers that include all desired terms, request sample quantities, and track activity; allows a seller/participant to use remote authoring templates to create a complete Website for immediate integration and activation in the community, to evaluate proposed buyer orders and counteroffers, and to negotiate multiple variables such as prices, terms, conditions etc., iteratively with a buyer” (see Conklin et al. at col. 13, line 66 through col. 14, line 11). Conklin et al. also indicates that a “buyer might either propose negotiations of order terms based on a seller's catalog and price lists or send out a request for proposal (RFP) to all or some of the seller's in the community, or send out a request for a quote (RFQ) to all or some of the sellers in a community, asking sellers to respond with the best, most comprehensive terms each seller can offer (see Conklin et al. at col. 20, lines 24-31).

Conklin et al. does not, however, disclose the customization or modification of existing products based on customer requirements. By way of reference, one exemplary embodiment is described in the present application as follows (with emphasis added):

[0032] To create price quotation 123 for a customized capital equipment product based on specific purchaser requirements, information from the purchaser is provided to the product provider in a step 230. To convey the specific requirements to the product provider, a variety of methods may be used. In an exemplary embodiment, the purchaser may speak with a product provider sales representative using a telephone. In this embodiment, the sales representative asks the purchaser a series of questions designed to elicit information pertaining to specific purchaser requirements. For example, a purchaser may wish to

modify a basic MR scanner to conform to a particular set of power output requirements. Other modifications may include providing connections for various peripheral devices, installing applications designed to perform various functions, or adapting the scanner to conform to a physical space by rearranging scanner components. The number and type of modifications allowed for a particular product will vary depending on the product. . . .

[0034] After the purchaser requirements are determined, a product provider sales representative generates a price quotation 123 in a step 240. To generate price quotation 123, the sales representative uses configurator 142 to optimally configure a customized capital equipment product designed to meet purchaser requirements. Configurator 142 may be a COBRA configurator or any other system designed to configure capital equipment. In an alternative embodiment, price quotation 123 is automatically generated in response to requirements entered by the purchaser in response to questions generated by module 136. Such an automatic system may utilize neural networks or other artificial intelligence techniques.

Conklin et al. notes that the system described therein may be used to “propose and negotiate orders and counteroffers that include all desired terms, request sample quantities . . . to negotiate . . . prices, terms, conditions, etc.” (see Conklin et al. at col. 14, lines 4-10). Conklin et al. also notes that if “a buyer is interested in opening negotiations with a particular seller, the propose [sic] orders processes can be based on catalog prices or desired price and other terms, special orders for samples or small quantities, proposed payment vehicles, and can include information about the buyer” (see Conklin et al. at col. 19, lines 61-66). However, there is no discussion in Conklin et al. related to the customization or modification of existing products based on customer requirements.

Accordingly, Conklin et al. does not identically disclose a “system for purchasing customized capital equipment in an online marketplace environment” comprising, in combination with other elements, a “module for customizing a configuration of a capital equipment product based on requirements received from a customer” as recited in independent Claim 1. Claim 1 is therefore patentable over Conklin et al. Dependent Claims 2-11, which depend from independent Claim 1, are also patentable. See 35 U.S.C. § 112 ¶ 4.

Conklin et al. also does not identically disclose a “system for allowing purchases of customized capital equipment in a marketplace environment” comprising, in combination with other elements, a “means for configuring a standard product to include features based on needs of a particular customer and generating a price quotation therefor” as recited in independent Claim 12. Claim 12 is therefore patentable over Conklin et al. Dependent Claims 13-21, which depend from independent Claim 12, are also patentable.

Conklin et al. also does not identically disclose a “method for purchasing customized capital equipment products in an electronic marketplace” comprising, in combination with other elements, “providing customer specifications for a customized capital equipment product to a product provider using the electronic device; viewing a price quotation for the customized capital equipment product using the electronic device” as recited in independent Claim 22. Claim 22 is therefore patentable over Conklin et al. Dependent Claims 23-32, which depend from independent Claim 22, are also patentable.

Conklin et al. also does not identically disclose a “method for enabling purchases of customized capital equipment in a marketplace environment” comprising, in combination with other elements, “providing at the exchange web page a link to a price quotation for a capital equipment product that has been customized based on needs of a purchaser” as recited in independent Claim 33. Claim 33 is therefore patentable over Conklin et al. Dependent Claims 34-40, which depend from independent Claim 33, are also patentable.

Conklin et al. also does not identically disclose a “method for enabling purchases of customized capital equipment in a marketplace environment” comprising, in combination with other elements, “providing at the exchange a link to a customized price quotation for a capital equipment product that has been configured in accordance to requirements received from a purchaser” as recited in independent Claim 41. Claim 41 is therefore patentable over Conklin et al. Dependent Claims 42-45, which depend from independent Claim 41, are also patentable.

The rejection of Claims 1-45 should be withdrawn, because at least one limitation of each of independent Claims 1, 12, 22, 33, and 41 is not identically disclosed by Conklin et al.

Accordingly, the Applicants request reconsideration and withdrawal of the rejection of Claims 1-45 under 35 U.S.C. § 102(e).

* * *

It is submitted that each outstanding objection and rejection to the Application has been overcome, and that the Application is in a condition for allowance. The Applicants request consideration and allowance of all pending Claims 1-45.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 07-0845. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 07-0845. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 07-0845.

Respectfully submitted,

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